

FIR No. 88/2019

PS: NDRS

State Vs. Sachin Paswan

23.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Vinay Kumar, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of bail on behalf of accused Sachin Paswan in case FIR No. 88/2019.

Ld. Counsel for the accused-applicant submits that the chargesheet has since been filed. That name of the accused is not mentioned in the FIR nor in the statement of the complainant and there is no mention of a fifth offender anywhere. It is contended in the application that complainant has narrated description of four offenders, one driver was tall, second was small and healthy, third was thin and small and fourth tall and thin and none matches that of the accused-applicant. That fifth accused is no where mentioned in the FIR and is also missing from the statement of the complainant. That as per the chargesheet accused-applicant was present at the flat where the complainant was brought after his abduction. Therefore, as per the own case of the prosecution, accused-applicant is not involved in kidnapping and loot. That mere presence at the flat cannot be

Nalajiv

considered as part of the conspiracy. That it is not mentioned anywhere that the complainant was brought to the flat and was beaten or manhandled and it is simply stated that he was left at Kashmere Gate. That co-accused Satyaveer Pandey has been granted bail on 26.05.2020. That the accused-applicant was in drunken state and left at the flat. That the accused-applicant is young boy of 22 years, having good conduct in jail and is in custody since 20.11.2019.

Ld. Addl. PP submits that the accused-applicant alongwith co-accused have committed the offence in pursuance to a well prosecuted conspiracy. Initially, one Ola driver was kidnapped and wrongfully confined and his automobile taken into possession. Thereafter, the complainant who had booked the said stolen vehicle on the Ola app for going to IGI Airport was taken from New Delhi Railway Station, Paharganj side towards IGI Airport but on the way the complainant alongwith the son were overpowered by the accused persons and robbed of Rs.11000/- cash, ATM Card, Laptop and other belongings. The complainant and his son thereafter were abducted and wrongfully confined in a room by the accused persons and were tortured to reveal the pin number of ATM card. It has come in the disclosure statement of co-accused that accused-applicant was present alongwith the other accused where complainant and his son were wrongfully confined and tortured and it is the accused-applicant who withdrew amount of Rs.1,60,000/- from the bank account of the

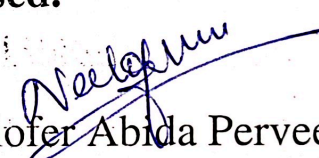
Nalofun

complainant upon using the debit card with the pin number which was forcibly obtained from the complainant after torturing the complainant. Accused-applicant refused to participate in the judicial TIP.

Arguments heard.

It is contended for the accused-applicant that the accused-applicant is not one of the four offenders described by the complainant in his statement, in this context it would be pertinent that the accused-applicant had refused to participate in the judicial TIP. The accused-applicant used debit card of the complainant and withdrew an amount of Rs.1,60,000/- using the PIN forcibly and illegally obtained from the complainant when he was kept under unlawful confinement with his minor son ^{as allegedly} in the presence of accused-applicant after their abduction and kidnapping by the co-accused. The presence of the accused-applicant is contended to be innocent, however, the withdrawal alleged to have been made by the accused-applicant alludes to his involvement in this elaborately planned conspiracy and executed professionally by first abducting the Ola cab driver and then looting the unwary passengers. The Ola ^{as} cab driver is also alleged to have been kept in the same flat. The co-accused Satyavir has been granted interim bail of 30 days on the ground of illness of his wife and not regular bail. There is therefore, no question of parity. The accused does not have clean antecedents. The facts ^{as} and

circumstances emerging from the investigation are particularly disturbing and quite hair raising. The entire incident has been meticulously planned and executed exhibiting devious daring and criminal bent of mind, ^{na} more likely handiwork of hardened criminal elements accusat^{ive} ^{ag.} to a life of crime. It is therefore, not a fit case ^{to} grant of bail to the accused-applicant Sachin Paswan. **Application of the accused-applicant Sachin Paswan for grant of regular bail in case FIR No. 88/2019 is hereby dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi

23.06.2020

FIR No. 311/2017

PS: Karol Bagh

State Vs. Harun

23.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.


Sh. Ragib Gayyur, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Harun in case FIR No. 311/2017 on the ground of illness of his mother.

The IO has filed the report seeking further time for verification of the medical record. Besides the medical record, it is directed that family status be also verified taking assistance of ^{na} local police station of the area in which the house of the accused-applicant is stated to be situated.

For report and consideration, put up on **26.06.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi

FIR No. 222/2016
PS: Timarpur
State Vs. Dharambir

23.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh Mani Grover, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail under Section 439 CrPC on behalf of accused Dharambir in case FIR No. 222/2016.

Ld. Counsel for the accused-applicant submits that accused is in custody since 2016 is a HIV patient and is not receiving adequate treatment in jail.

Reply is filed.

Ld. Addl. PP submits that case of the accused-applicant is not covered under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 to decongest the prisons in Delhi and that case pertains to commercial quantity of 3 kgs of charas, recovered from the possession of the accused-applicant.

Arguments heard. Report perused.

Report is received of the Jail Superintendent to the effect that accused-applicant is a known case of HIV sero-positive status and is availing regular treatment from jail duty doctors, ART Centre and jail visiting specialist. The patient -inmate has been reviewed from time to

Mani Grover


time and provided adequate and appropriate medical treatment from ART Centre of Central Jail Hospital was provided to the accused-applicant. Accused-applicant was last reviewed in ART on 28.04.2020 and advised to continue anti-retroviral treatment. It is also reported that at present the general condition of the inmate /patient is stable and satisfactory.

The High Powered Committee of Hon'ble High Court of Delhi constituted for the effective implementation of the directions issued by the Hon'ble the Supreme Court of India in Suo Moto petition (Civil) No. 01/2020 In Re: Contagion of Covid-19 dated 23.03.2020 and 13.04.2020, in the meeting dated 18.04.2020 upon due consideration on aspect of a fresh category of prisoners who can be released on interim bail of 45 days in order to decongest the prisons in Delhi in the wake of out break of covid 19 pandemic, in addition to the category adopted earlier on the advisory issued by ICMR to the effect that persons suffering from acute illness has lesser immunity and are more prone to getting infected by covid-19 in order to further relax the category with respect to prisoners/UTPs suffering from HIV, cancer, chronic kidney dis-functioning, requiring dialysis, Hepatitis B or C, Asthma and TB has added a fresh category of UTP who are suffering from aforesaid illness and have undergone custody for a period of six months or more and are facing trial in a case which prescribe punishment of 10 years or upto to life imprisonment and are not involved in multiple cases as eligible for consideration for 45 days interim bail. However, under the said guidelines inmates undergoing the trial for intermediary/large quantity recovery under NDPS Act have been

Neele Kumar

specifically excluded and kept out of the zone of consideration.

In such given facts and circumstances, though the accused-applicant is suffering from HIV, however, is not entitled to interim bail on account of his illness as accused-applicant is incarcerated in a case involving commercial quantity of contraband under the NDPS Act and is being provided all the requisite appropriate medical treatment and special diet for maintenance of his medical condition and good health. **Application for interim bail of accused Dharambir in case FIR No. 222/2016 is therefore dismissed.** However, the Jail Superintendent is directed to ensure that adequate measures to isolate the accused-applicant are taken on priority basis in case the accused-applicant is reported to come in contact in any manner with covid-19 positive inmate even if asymptomatic, taking into consideration the compromised immunity of the applicant being HIV positive.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.06.2020

FIR No. 122/2019

PS: Crime

State Vs. Bijay Majhi

23.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. P. K. Poddar, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.


This is an application under Section 439 CrPC for grant of interim bail for three months on behalf of accused Bijay Manjhi in case FIR No. 122/2019.

When it is put to the Ld. Counsel as to on what grounds interim bail is sought, ld. Counsel submits that interim bail is being sought on the ground of outbreak of covid-19 pandemic.

The applicant is an accused in a case involving commission of offence under the NDPS Act arising from a recovery of 150 kgs of Ganja. Due to the out break of covid-19 a High Powered Committee of Hon'ble the High Court of Delhi constituted in pursuance to the directions of Hon'ble the Supreme Court of India passed in writ petition no. 01/2020, has deliberated upon measures to be taken in the wake of the outbreak of covid-19 in respect of prevention screening, identification and treatment of prisoners in order to address the issue of over crowding in jails so that social distancing protocol is enabled effectively towards effectual implementation, has issued guidelines from time to time for release of

Nalghuram

undertrial prisoners on 45 days interim bail in order to decongest the prisons in Delhi. However, under each single of the guidelines issued from time to time, undertrial prisoners involved in commission of offences under the NDPS Act pertaining to intermediary / commercial quantities of the contraband have been specifically excluded. As no other ground except the out break of covid-19 has been raised, no ground is made out to grant interim bail to the accused-applicant who is involved in the commission of offences under the NDPS Act pertaining to commercial quantity of the contraband. **Application of accused Bijay Manjhi for grant of interim bail in case FIR No.122/2019 is accordingly dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.06.2020

FIR No. 1360/2015

PS: Burari

State Vs. Jitender Bhatti @ Happy & Ors.

23.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Chetan, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail on behalf of accused Rahul Kumar S/o Sripal in case FIR No. 1360/2015 invoking the criteria laid down under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prisons in Delhi.

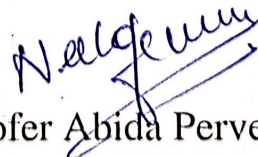
Report in respect of accused Rahul Kumar S/o Sripal is received from Deputy Superintendent, Central Jail no. 4 to the effect that accused Rahul Kumar S/o Sripal is in custody in the present case from 08.11.2015 and that his over all conduct in jail is satisfactory / good and he has not been awarded any punishment in jail till date. As per report received from the IO, accused-applicant is not involved in any other case.

Ld. Addl. PP has voiced one concern that the complainant was provided protection by the Court on the allegations of threat to his life and intimidation at the behest of the accused.

In such facts and circumstances relying upon the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi

N. K. Singh

dated 18.05.2020 for release of undertrial prisoners for 45 days interim bail in order to decongest the prisons in Delhi in the wake of out break of covid-19 pandemic, and as the accused-applicant fulfills all the criteria prescribed under the guidelines, **interim bail for 45 days is granted to the accused Rahul S/o Sripal in case FIR No. 1360/2015 on furnishing personal bond in the sum of Rs.1 lac to the satisfaction of the Jail Superintendent** and subject to the condition that accused-applicant shall deposit his passport if he holds one with the IO and that during the period of interim bail he shall not in any manner threaten/ influence the witnesses in this case or tamper with the evidence or interfere with the course of justice in any manner whatsoever, and shall furnish his mobile phone number and that of one responsible member of the family to the IO and shall ensure that the mobile phone number remains throughout on switched on mode with location activated and shared with the IO. Needless to say that in the event of any attempt to interfere with the course of justice in any manner, the prosecution has the liberty to seek cancellation of interim bail.



(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi

23.06.2020

FIR No. 243/2018

PS: Nabi Karim

State Vs. Shiva

23.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail on behalf of accused Shiva in case FIR No. 243/2018.

Ld. Counsel for the accused-applicant submits that accused-applicant is suffering from pain in the ear drum and problem in the teeth and that he was taken to Maulana Azad Institute of Dental Sciences but his surgery has not been performed and he has been returned without surgery due to covid-19 pandemic and that as there are more chances of contracting infection of covid-19 in government hospital, he wants to get his surgery of the tooth and the ear performed from a private hospital.

Report was called for from the Jail Superintendent in respect of the medical condition of the accused-applicant. As per the medical status report submitted by Sr. Medical Officer, Central Jail No. 13, Mandoli, Delhi that patient is suffering from chronic otitis media (com) of right ear and have been on conservative treatment by the ENT specialist of Central Jail Hospital for last two years. As patient's hearing ability have not been so compromised and his condition is stable on conservative medication, the surgical intervention is not recommended at present. That



as far as dental treatment of accused-applicant is concerned, he is getting optimal treatment by the Dentist of Central Jail Hospital, as per recommendation of the consultation endodontist of MAIDS, Delhi and is being referred on regular basis. That accused-applicant is otherwise stable with vitals within normal limits.

I have also gone through the documents annexed alongwith the report. It emerges that the accused-applicant has been receiving treatment from ENT specialist and also from Maulana Azad Institute of Dental Sciences and on 10.06.2020 was called for dental treatment and after examination was prescribed medications. Surgical procedures presently are deferred on medical advice for the pain in the ears. From the medical record annexed of MAIDS, it is not clear whether the applicant was due for surgery or was advised surgery, the medical condition is also not apparent. What is clear, however, is that for the ear and tooth infection the accused is continuously for a considerable period now being kept on antibiotics and painkillers. The hospitals are now admitting patients for surgery for the ailments besides covid-19 patients. In order to enable the accused-applicant to avail of surgery for his eardrum and dental ailment from private medical facility, **interim bail of 10 days is being grant to the accused-applicant Shiva in the present case upon furnishing personal bond of Rs.50,000/- to the satisfaction of the Jail Superintendent and subject to the condition and with the direction that upon surrender accused-applicant shall furnish certificate in respect of the treatment of his ear and dental illness and that he shall mention his mobile**

Nalga

phone number and mobile phone number of any responsible person of his family, which numbers shall be ensured by the accused remains ^{on} switched ^{off} on mode throughout the period of interim bail with location activated and shared with the IO at all times. The accused-applicant is directed not to leave the territorial limits of NCT Delhi during the period of interim bail, except upon prior intimation to the IO.

Neelofer
(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.06.2020